

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN C. ROBINSON,

Plaintiff,

No. CIV S-04-1684 DFL KJM

vs.

MASSACHUSETTS MUTUAL  
LIFE INSURANCE COMPANY,

Defendant.

ORDER

Defendant's motion to compel production of documents from subpoenaed non-party Dr. Aikin came on regularly for hearing May 11, 2005. John Riestenberg appeared for plaintiff. Linda Oliver appeared for defendant. No appearance was made for Dr. Aikin. Upon review of the documents in support and opposition, upon hearing the arguments of counsel, based upon Dr. Aikin's declaration in which he states under penalty of perjury he does not maintain chart notes pertaining to plaintiff and good cause appearing, IT IS HEREBY ORDERED that:

1. The motion to compel is denied; and

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1                   2. The Clerk of Court is directed to send a copy of this order to Dr. Aikin at the  
2 address shown in his filing of May 4, 2005.

3 DATED: May 13, 2005.

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6 UNITED STATES MAGISTRATE JUDGE  
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